

SIXTH REGULAR SESSION

June 10, 2013

Johnstown, NY

Roll Call – Quorum Present

Supervisors: Argotsinger, Bradt, Callery, DiGiacomo, Fagan, Gendron, Handy, Howard, Johnson, Kemper, Kinowski, Lauria, MacVean, Ottuso, Ponticello, Potter, Waldron

TOTAL: Present: 17 Absent: 3 (Supervisors Born, Capek and Ottalagano)

Chairman Waldron called the meeting to order at 1:00 p.m. Following the Pledge of Allegiance, Chairman Waldron asked if there was anyone from the public who wished to address the Board.

PUBLIC SPEAKERS

Larry Chaplinski, Northville – Mr. Chaplinski stated that his attorney Robert Kruger was supposed to be here today; however, due to an intestinal ailment he could not attend. He stated that an electronic transfer was to be made to Mr. Kruger's escrow account so that Mr. Chaplinski could pay delinquent property taxes by the May 29 deadline. Due to circumstances beyond his control, the electronic transfer to Mr. Kruger's escrow account did not occur before 5:00 p.m. on the last day for owner redemption. Mr. Chaplinski advised that he was at the Treasurer's office in the morning on May 30, 2013, when he was informed that the check could not be accepted because the payment deadline had passed. Mr. Chaplinski also stated that Mr. Kruger was to contact County Attorney Arthur Spring to discuss this issue.

Mr. Spring, who was in attendance, spoke up and advised Mr. Chaplinski that Attorney Kruger had not contacted him regarding this issue.

Mr. Chaplinski asked the Board of Supervisors to allow him to pay the back taxes late because of the error between banks on the electronic transfer. He said that he would appreciate their consideration regarding this situation.

SCHEDULED SPEAKERS

Michael Reese, President and CEO of Fulton County Center for Regional Growth provided a brief report summarizing the Center's marketing and economic development progress during the first six months of 2013. Mr. Reese advised that in January the CRG retained the services of a marketing company to work on updating the CRG website to make it more user friendly and more comprehensive. He advised that the website will become the main marketing tool to draw attention to Fulton County. The website address is www.fccrg.org. He also advised that new advertising has been developed for radio advertising to promote services and the good things taking place in Fulton County. Mr. Reese advised that a Facebook page has been created for the CRG.

Mr. Reese advised that a few companies are showing interest in property in Fulton County. He stated that he would be glad to answer any questions anyone may have.

Mr. Reese also advised that the CRG is still engaged in legal matters against past executives Jeffrey Bray and Peter Sciocchetti. The complaints that have been filed and are still ongoing. He also advised that a separate lawsuit has been filed against former legal counsel J. Paul Kolodziej. He stated that the CRG is actively pursuing these two activities.

COMMUNICATIONS

1. Communication from Niagara County Legislature
Subj: Resolution Calling on the New York State Legislature to Pass and Enact S.3948/A.6094, Legislation Repealing the NY-Safe Act (Supervisor Howard requested a copy of Communication 1)
2. Resolution from Seneca County Board of Supervisors
Subj: Supervisors Declare June 2013 as Donate Life Month in Seneca County
3. Resolution from Seneca County Board of Supervisors
Subj: Board of Supervisors Declares May 21, 2013 to be “Mayday For Mandate Relief” and Urges the Mandate Relief Council to Take Swift Action in Submitting a Package of Mandate Relief Proposals to Governor Cuomo and the State Legislature to be Voted on this Session

REPORTS OF SPECIAL COMMITTEES

Fish & Wildlife Board: Supervisor Johnson advised that the report from the meeting was placed on file in the Board of Supervisors Office.

Inter-County Legislative Committee of the Adirondacks: Supervisor Kemper advised that the May meeting was held in the Board of Supervisors Chambers on May 16. Scott Henze of the Planning Department provided a presentation showing various different projects that are ongoing in the County. He described how GIS applications played a role in completing these projects. The next meeting will be in Hamilton County.

CHAIRMAN’S REPORT

Chairman Waldron advised that the initial part of the budget process has begun. Letters have been sent to all department heads for the 2014-2016 budget process.

PROCLAMATIONS

PROCLAMATION HONORING THE FULTON COUNTY RESIDENTIAL HEALTH CARE FACILITY AUXILIARY

WHEREAS, the Fulton County Residential Health Care Facility (originally Fulton County Infirmary) was graciously supported by a dedicated Auxiliary of volunteers from the early 1970’s until 2012; and

WHEREAS, the Auxiliary was composed of many, many caring individuals who donated countless hours of their time to offer loving care and compassion to residents of the RHCF; and

WHEREAS, Auxiliary members put the needs of residents first and offered comfort in various ways, including fundraising, preparing Christmas gifts for the holidays, and sponsoring entertainment and other special events; and

WHEREAS, the Auxilians efforts even extended to the level of fund-raising to purchase a transport van for resident trips and appointments, a patio swing, an outdoor pavilion, televisions, furniture, outdoor equipment, computers, games, musical instruments and magazine subscriptions, among others; and

WHEREAS, the aforesaid accomplishments resulted in an incalculable number of joyous moments for seniors, caregivers and others at the RHCF over the years; now, therefore be it

RESOLVED, That the Board of Supervisors hereby recognizes the accomplishments and dedicated service of the Auxiliary to the Fulton County Infirmary and Residential Health Care Facility respectively; and, be it further

RESOLVED, That the Board hereby expresses its sincerest appreciation to all Auxilians, present and past for their long tradition of commitment to improving lives in our community.

Chairman Waldron opened the Public Hearing for the purpose of receiving comments regarding “A Local Law to Authorize Overriding the State-Mandated Tax Levy Limit for the 2014 Fulton County Budget” at 1:30 p.m. There being no public speakers who wished to address the Board, Chairman Waldron announced that he would keep the public hearing open for a portion of the Board meeting.

RESOLUTIONS

No. 177 (Resolution Authorizing a Memorandum of Understanding to Participate in the New York State Unified Certification Program for Certifying Disadvantaged Vendors): Supervisor Howard asked what defines a “disadvantaged vendor”. Mr. Stead stated he did not know the specific criteria utilized. That determination is made under federal criteria by certain state agencies certified to do the reviews.

Supervisor Fagan asked if the County is required to have a certain number of disadvantaged vendors. Mr. Stead stated, “not necessarily; however, all municipalities are required to adhere to guidelines to encourage participation by disadvantaged business and minority/women owned businesses.

No. 183 (Resolution Denying Request to Form a Separate Bargaining Unit for Sergeant and Corporal Correction Officers): Supervisor Handy asked what would be the advantage to the Sergeants and Corporals by forming a separate union. Mr. Stead stated that he couldn’t speak on their behalf. According to the letter received in the Board Office, they felt their interests would be better represented by having a separate union.

No. 189 (Resolution Authorizing Contract with Auctions International Corporation to Sell Surplus Computer and Copier Equipment): Supervisor Kemper advised that the Town of Northampton has utilized the services of this company and has had very successful results.

Chairman Waldron asked if there were any members of the public who wished to make public hearing comments regarding “A Local Law to Authorize Overriding the State-Mandated Tax Levy Limit for the 2014 Fulton County Budget”.

There being no interested speakers, Chairman Waldron closed the Public Hearing at 1:45 p.m.

Chairman Waldron opened the Public Hearing for the purpose of receiving comments regarding adding certain properties in the Towns of Perth, Mayfield and Oppenheim to Fulton County Agricultural District No. 1 at 1:46 p.m.

Eleanor Zimmerman, 352 Cohwy. 146, Mayfield – Ms. Zimmerman advised that she was present today to represent Mr. Chupka who has applied for inclusion of his property in Agricultural District No. 1. She noted that she is employed by the firm Hodgson Russ, LLP. She stated that she believes he has met all of the requirements to be included in the District.

There being no further speakers, Chairman Waldron advised that he would keep the Public Hearing open for a portion of the Board meeting.

A motion was offered by Supervisor Gendron, seconded by Supervisor Callery and unanimously carried to waive the Rules of Order to take action on Late Resolutions 200-202.

No. 202 (Resolution Adopting Local Law No. 2 of 2013 entitled, “A Local Law to Authorize Overriding the State-Mandated Tax Levy Limit for the 2014 Fulton County Budget”: Mr. Stead explained that the New York State Comptroller’s Office is still coming out with new interpretations as to how the tax cap applies to counties and other local governments. One of the items being reviewed pertains to workers compensation administration and how it is charged back to participating municipalities. He stated that overriding the tax cap protects the County from last minute interpretations by state regulatory agencies.

Supervisor Howard stated that overriding the tax cap gives the County the option to use it if it needs to.

Supervisor Handy stated that the County is just starting the budget process for next year and asked “why hurry” with passing this override now? He asked if the budget process should be started before approving this. Chairman Waldron stated that this step allows the County to bypass the interpretations by the State. He stated that the Board’s objective is always to have no tax increase; however, it is in the best interest of the County to override this from the beginning and not wait until the County is in the budget process.

Supervisor Kemper stated that as the State “continues its goal to put all counties out of business, the County will be left with doing more with less”.

Supervisor Fagan stated that passing the override of the tax cap now “takes off the table” the Governor’s gimmick regarding the 2 percent tax cap. It also allows the Board to provide the most cost-effective budget for its taxpayers.

Supervisor Ponticello asked if there is a time frame for any new rules or interpretations to be implemented. Mr. Stead replied that differing implementations have been going since the tax cap was mandated.

Chairman Waldron asked if there were any members of the public who wished to make public hearing comments regarding adding certain properties in the Towns of Perth, Mayfield and Oppenheim to Fulton County Agricultural District No. 1.

There being no interested speakers, Chairman Waldron closed the public hearing at 2:04 p.m.

No. 179 (Resolution Amending Boundaries of Fulton County Agricultural District No. 1 to Include Certain Parcels in the Towns of Perth, Mayfield and Oppenheim (2013): Supervisor Johnson asked with regards to Mr. Chupka’s property what is the problem since it appears on the resolution. Mr. Stead verified that the Chupka parcel would be included if the resolution is approved as presented.

NEW BUSINESS

Supervisor Kemper asked if the situation with Mr. Chaplinski has been an issue before and if anything legally can be done. Mr. Spring stated no. He advised that the Board has guidelines that state a final date of redemption. He stated that the property owners are advised as to the final redemption day well in advance and this information is sent by certified mail.

Upon a motion by Supervisor Callery, seconded by Supervisor Howard and unanimously carried, the meeting adjourned at 2:09 p.m.

Certified by:

Jon R. Stead, Administrative Officer/ DATE
Clerk of the Board

Resolution No. 173

Supervisors ARGOTSINGER AND CALLERY offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING A SUPPLEMENTAL GRANT AGREEMENT WITH NYS DEPARTMENT OF TRANSPORTATION FOR COUNTY ROAD 110 PAVEMENT REHABILITATION PROJECT (2013 CAPITAL PLAN)

WHEREAS, Resolution 274 of 2011 Authorized Implementation and 100% Funding of the Federal Aid and State “Marchiselli” Program Aid Eligible Costs of a Transportation Federal Aid Project and Appropriating Funds Therefor; and

WHEREAS, New York State Department of Transportation (NYSDOT) has awarded a grant to Fulton County, for County Road 110 Pavement Rehabilitation in the Towns of Broadalbin and Northampton; and

WHEREAS, since the project was originally proposed, the estimated cost of the project work has increased; and

WHEREAS, the NYSDOT has asked Fulton County to sign a Supplemental Agreement acknowledging that the estimated cost of said rehabilitation project has increased from \$1.81 million to \$1.988 million dollars; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a Supplemental Agreement No. 1 to NYSDOT PIN 2754.25 to acknowledge the increase of the County Road 110 Pavement Rehabilitation Project; and, be it further

RESOLVED, That the Superintendent of Highways and Facilities do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, NYS Department of Transportation, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor POTTER and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors Born, Capek and Ottalagano)

Resolution No. 174

Supervisors ARGOTSINGER AND CALLERY offered the following Resolution and moved its adoption:

**RESOLUTION AMENDING THE 2013 CAPITAL PLAN TO INCREASE THE
LOCAL SHARE COST TO FULTON COUNTY FOR THE FONDA
CONNECTOR DESIGN STUDY**

WHEREAS, Resolution 461 of 2011 authorized a Grant Application to the Federal Highway Administration Transportation, Community and System Preservation Program (TCSP) for a Fonda Bypass Connector Feasibility Project; and

WHEREAS, on August 9, 2012, Fulton County was notified that Fulton and Montgomery Counties, as joint applicants, were awarded a TCSP grant in the amount of \$400,000.00, with a local match of \$100,000.00; and

WHEREAS, the Highways and Facilities Department submitted a joint grant application with Montgomery County under the TCSP program for the proposed Fonda By-Pass Connector Feasibility Project study proposing that each County contribute a \$50,000.00 local matching share for the study; and

WHEREAS, the 2013 Capital Plan identifies \$50,000.00 for a Fonda Bypass Connector Feasibility Project Study; and

WHEREAS, the Montgomery County Board of Supervisors has not responded to requests to contribute its local share required to commence said project; and

WHEREAS, the Committees on Buildings and Grounds/Highway and Finance, recommend that Fulton County contribute the entire \$100,000.00 local share to receive the federal grant for the Fonda Bypass Connector Feasibility Project Study in the best interest of residents in the region; now, therefore be it

RESOLVED, That the 2013 Capital Plan be and hereby is amended to reflect a Fulton County cost of \$100,000.00 for the Fonda Bypass Connector Feasibility Project Study; and, be it further

RESOLVED, that the 2013 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

Increase A-081-0511.000	Appropriated Reserves	\$50,000.00
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Appropriation Account:

Increase A-795-9950.900	Transfer to Capital Plan Projects	\$50,000.00
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and, be it further

Resolution No. 174 (continued)

RESOLVED, That the County Treasurer be and hereby is authorized to make the following transfers:

From: A-082-0883.800 Capital Improvements Reserve
To: A-082-0909.000 Fund Balance
Sum: \$50,000.00

and, be it further

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign authorizing agreements with New York State Department of Transportation; and, be it further

RESOLVED, That the County Treasurer, Superintendent of Highways and Facilities and Planning Director do each and every other thing necessary to further the purport of this Resolution; and, be if further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Planning Director, Montgomery County Board of Supervisors, New York State Department of Transportation, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor FAGAN and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors Born, Capek and Ottalagano)

Resolution No. 175

Supervisors ARGOTSINGER AND CALLERY offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING GRANT APPLICATION TO THE NYS DEPARTMENT OF
TRANSPORTATION FOR FEDERAL TRANSPORTATION
ENHANCEMENT PROGRAM FUNDS FOR THE FJ&G
RAIL TRAIL PROJECT**

WHEREAS, Resolution 410 of 2001 authorized a Grant Application to the NYS Department of Transportation for Federal Transportation Equity Act Funds for the FJ&G Rail Trail Project; and

WHEREAS, Resolution 45 of 2003 authorized the Chairman of the Board to execute a TEA-21 Grant with the NYS Department of Transportation (NYSDOT) for a \$400,000.00 federal grant; and

WHEREAS, Resolution 235 of 2012 authorized a “No-Cost Time Extension of Local/Miscellaneous Contract” with NYS DOT for the aforementioned TEA-21 Grant extending the grant deadline for expenditure of funds to September 30, 2014; and

WHEREAS, the NYS Department of Transportation has announced the availability of a new round of grant funding under the Federal Transportation Equity Act for the 21st Century (TEA-21); now, therefore be it

RESOLVED, That upon the recommendations of the Committees on Buildings and Grounds/Highway and Finance, the Chairman of the Board be and hereby is authorized to sign a grant application, as Project Sponsor, for submission to the NYS Department of Transportation for Federal Transportation Equity Act Funds, in an amount of \$1,410,000.00; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, Fulton County Chamber of Commerce, NYS Department of Transportation, City of Johnstown, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor PONTICELLO and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors Born, Capek and Ottalagano)

Resolution No. 176

Supervisors ARGOTSINGER AND CALLERY offered the following Resolution and moved its adoption:

RESOLUTION ALLOCATING \$150,000.00 TO THE CITY OF JOHNSTOWN FOR
REHABILITATION PROJECT ON THE FJ&G RAIL TRAIL
(FAIRGROUNDS PARK SOUTH TO COUNTY LINE)

WHEREAS, Resolution 410 of 2001 authorized a Grant Application to the NYS Department of Transportation for Federal Transportation Equity Act Funds (TEA-21) for the FJ&G Rail Trail Project; and

WHEREAS, Resolution 45 of 2003 authorized the Chairman of the Board to execute a grant agreement with the NYS Department of Transportation (NYSDOT) for a \$400,000.00 federal TEA-21 Grant; and

WHEREAS, Resolution 235 of 2012 authorized the execution of a “No-Cost Time Extension of Local/Miscellaneous Contract” with NYSDOT to extend said TEA-21 Grant through September 30, 2014; and

WHEREAS, a balance of \$220,000.00 of the grant proceeds remains that can be used to carry out projects to improve the FJ &G Rail Trail; and

WHEREAS, the City of Johnstown has requested to utilize grant funding to complete a Rail Trail Rehabilitation Project on the existing trail from Fairgrounds Park south to the county line; and

WHEREAS, in order to maximize progress on the overall FJ&G Rail Trail system, the Committees on Buildings and Grounds/Highway and Finance recommend allocating said remaining grant funds for trail rehabilitation within the City of Johnstown and for acquiring additional new trail right-of-way for northeastern sections of the Trail; now, therefore be it

RESOLVED, That the Board of Supervisors hereby allocates remaining TEA-21 grant funds as follows:

- | | |
|---|------------------|
| • Rehabilitation Project from Fairgrounds Park south to the county line (City of Johnstown) | \$150,000.00 |
| • Right-of-Way Acquisition (including survey, title, legal work) | <u>70,000.00</u> |
| Total | \$220,000.00 |

Resolution No. 176 (continued)

and, be it further

RESOLVED, That the 2013 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

Increase A-083-3589.000 State Aid – Other Transportation (New) \$220,000.00

Appropriation Account:

Increase A-285-1940.400 Purchase of Land/Right-of-way	\$ 70,000.00
Increase A-285-1989.400 Other General Government Support (New)	<u>150,000.00</u>
	\$220,000.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, Fulton Montgomery Regional Chamber of Commerce, City of Johnstown, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor HANDY and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors Born, Capek and Ottalagano)

Resolution No. 177

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING TO
PARTICIPATE IN THE NEW YORK STATE UNIFIED CERTIFICATION PROGRAM FOR
CERTIFYING DISADVANTAGED VENDORS**

WHEREAS, U.S. Department of Transportation (USDOT) requires municipalities receiving Federal Transportation Assistance to participate in the Federal Disadvantaged Business Enterprise (DBE) Program; and

WHEREAS, Fulton County receives Federal Aviation Administration funding for the Fulton County Airport and therefore must maintain a DBE Certification Program; and

WHEREAS, the New York State Unified Certification Program (NYSUCP) was established in 2004 with a Memorandum of Understanding and Fulton County did not sign said Memorandum of Understanding; and

WHEREAS, on May 16, 2013, Fulton County received a letter from the NYS Department of Transportation stating that the County must sign the Memorandum of Understanding and participate in the New York State Unified Certification Program to be eligible for federal grants; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign said MOU and the NYSDOT DBE Certificate Addendum, and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Department, NYS Department of Transportation, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor CALLERY and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors Born, Capek and Ottalagano)

Resolution No. 178

Supervisor GENDRON offered the following Resolution and moved its adoption:

**RESOLUTION DECLARING THE FULTON COUNTY BOARD OF SUPERVISORS
LEAD AGENCY AND AUTHORIZING THE FILING OF A NEGATIVE
DECLARATION UNDER SEQR RELATED TO REVISION AND RENEWAL OF
AGRICULTURAL DISTRICT NO. 1**

WHEREAS, Resolution 642 of 2008 authorized commencement of an eight-year review of Agricultural District No. 1 in Fulton County; and

WHEREAS, in accordance with the eight-year review process required by NYS Agriculture and Markets Law, a profile and map has been prepared identifying proposed revised boundaries for the District, to be increased to 96.15 acres in the Towns of Broadalbin, Perth, Johnstown, Mayfield, Oppenheim and Ephratah; and

WHEREAS, pursuant to Resolution 642 of 2008, the Fulton County Board of Supervisors sought Lead Agency Status for the purpose of issuing a Determination of Significance under the State Environmental Quality Review Act (SEQRA) for renewal of Agricultural District No. 1; and

WHEREAS, the Fulton County Board of Supervisors offered all municipalities in Fulton County, the Adirondack Park Agency and the NYS Department of Agriculture and Markets the opportunity to comment on the County's proposal to act as the Lead Agency for the purpose of issuing a determination of significance under SEQR for this action and, during this period, no comments were made regarding the potential environmental impacts of the renewal of Agricultural District No. 1; now, therefore be it

RESOLVED, That the Fulton County Board of Supervisors hereby assumes Lead Agency status for the purpose of issuing a determination of significance under SEQR and authorizes the filing of a Negative Declaration for this action, since there have been no significant environmental impacts identified during the SEQR review process; and, be it further

RESOLVED, That the Planning Director is hereby authorized and directed to file a Negative Declaration, as required by the SEQRA Regulations; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, Agriculture and Farmland Protection Board, NYS Department of Agriculture and Markets, NYS Department of Environmental Conservation, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency which will further the purport of this Resolution.

Seconded by Supervisor DIGIACOMO and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors Born, Capek and Ottalagano)

Resolution No. 179

Supervisor GENDRON offered the following Resolution and moved its adoption:

RESOLUTION AMENDING BOUNDARIES OF FULTON COUNTY
AGRICULTURAL DISTRICT NO. 1 TO INCLUDE CERTAIN
PARCELS IN THE TOWNS OF PERTH, MAYFIELD
AND OPPENHEIM (2013)

WHEREAS, New York State Agricultural Districts Law, Section 303-b, was amended to allow landowners to request inclusion of their property in an existing Agricultural District during an annual 30-day time period; and

WHEREAS, Resolution 146 of 2013 set the date of a public hearing on a request from property owners in the Towns of Perth, Mayfield and Oppenheim to be included in Agricultural District No. 1 as follows:

<u>Property Owner</u>	<u>Address</u>	<u>Parcel No.</u>	<u>Total Acres</u>
Paul Chupka	Midline Road (Perth)	179.-1-36	1.6
		179.-1-38	1.6
Mark Brower	Berry Road (Mayfield)	88.-3-1.111	12.39
		88.-3-1.12	3.77
		88.-3-1.112	3.89
Malcolm Simmons	NYS Route 30 (Perth) (Mayfield)	166.-1-28	1.4
		152.-5-37	46.2
Kevin Calyer	Cline Road (Oppenheim)	127.-1-26.1	25.3

and,

WHEREAS, said public hearing was held on Monday, June 10, 2013 in the Board of Supervisors Chambers to receive comments on said request and anyone who was present to speak was heard; now, therefore, be it

RESOLVED, That the following parcels in the Towns of Perth, Mayfield and Oppenheim be and hereby are included in Fulton County Agricultural District No. 1:

<u>Property Owner</u>	<u>Address</u>	<u>Parcel No.</u>	<u>Total Acres</u>
Paul Chupka	Midline Road (Perth)	179.-1-36	1.6
		179.-1-38	1.6
Mark Brower	Berry Road (Mayfield)	88.-3-1.111	12.39
		88.-3-1.12	3.77
		88.-3-1.112	3.89
Malcolm Simmons	NYS Route 30 (Perth) (Mayfield)	166.-1-28	1.4
		152.-5-37	46.2
Kevin Calyer	Cline Road (Oppenheim)	127.-1-26.1	25.3

Resolution No. 179 (continued)

and, be it further

RESOLVED, That the Planning Director be and hereby is authorized and directed to file the necessary maps and reports with the NYS Department of Agriculture and Markets and to do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, Town of Perth, Town of Mayfield, Town of Oppenheim, Fulton County Agricultural and Farmland Protection Board, NYS Department of Agriculture and Markets, Respective Property Owner, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor CALLERY and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors Born, Capek and Ottalagano)

Resolution No. 180

Supervisors DIGIACOMO AND CALLERY offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING A CONTRACT WITH LAW FIRMS WHITEMAN,
OSTERMAN AND HANNA, LLP AND NANCY ROSE STORMER, P.C.
TO PURSUE CERTAIN MEDICAID OVERBURDEN REIMBURSEMENT
FROM NEW YORK STATE**

WHEREAS, the Committees on Human Services and Finance have reviewed a proposal submitted by Whiteman, Osterman and Hanna, LLP to pursue certain delinquent Medicaid Overburden reimbursement payments from New York State; now, therefore be it

RESOLVED, that the Chairman of the Board be and hereby is authorized to sign a contract Retainer Agreement with law firms Whiteman, Osterman and Hanna, LLP, of Albany, NY, and Nancy Rose Stormer, P.C. of Utica, NY, to conduct legal action against the State of New York to obtain delinquent Medicaid Overburden reimbursement from New York State; said contract subject to the approval of the Social Services Attorney; and, be it further

RESOLVED, That said contract shall be structured so that there is no direct cost to the County for said legal services of the law firms; inasmuch as all compensation to the law firms shall be pursuant to a 36 percent contingency fee upon all recoveries, reimbursements or offsets credited to the County as a result of this engagement; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Social Services Commissioner, DSS Attorney, Nancy Rose Stormer, P.C., Whiteman, Osterman and Hanna, LLP, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HOWARD and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors Born, Capek and Ottalagano)

Resolution No. 181

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

**RESOLUTION ACCEPTING IMMUNIZATION GRANT FUNDS FROM THE
NYS DEPARTMENT OF HEALTH (2013-2014)**

WHEREAS, the NYS Department of Health has offered grant funds for immunization services in the Public Health Department; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign an agreement between the Public Health Department and the NYS Department of Health for Immunization Action Plan grant funds, in an amount not to exceed \$30,000.00, for the period April 1, 2013 through March 31, 2014; said agreement subject to the approval of the County Attorney; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, NYS Department of Health, Budget Director/County Auditor and Administrative Officer/ Clerk of the Board.

Seconded by Supervisor KEMPER and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors Born, Capek and Ottalagano)

Resolution No. 182

Supervisors DIGIACOMO AND CALLERY offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING PURCHASE OF CERTAIN EQUIPMENT FOR
USE IN THE PUBLIC HEALTH DEPARTMENT
(EMERGENCY PREPAREDNESS GRANT)

WHEREAS, Resolution 346 of 2012 authorized Acceptance of 2012-13 Emergency Preparedness Grant Funds from the NYS Department of Health in the amount of \$53,500.00; and

WHEREAS, the Public Health Director proposes to use a portion of said funds for the following:

Supplies

Three (3) Dry Erase Signs	\$ 345.00
Three (3) Educational Material Racks	<u>804.00</u>
Total	\$1,149.00

now, therefore be it

RESOLVED, That upon the recommendation of the Public Health Director and Committees on Human Services and Finance, the Public Health Director is hereby authorized to utilize Emergency Preparedness grant funds for purposes and purchases herein identified, at a cost not to exceed \$1,149.00; and, be it further

RESOLVED, That the County Treasurer be and hereby is authorized to make the following transfer:

From: A405-4189.411 Public Health-Other/Expenses
To: A405-4189.200 Public Health-Other/Equipment
Sum: \$1,149.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KEMPER and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors Born, Capek and Ottalagano)

Resolution No. 183

Supervisor HOWARD offered the following Resolution and moved its adoption:

RESOLUTION DENYING REQUEST TO FORM A SEPARATE BARGAINING UNIT FOR SERGEANT AND CORPORAL CORRECTION OFFICERS

WHEREAS, by letter from Corporal Correction Officer Eric D. Sweet, dated April 27, 2013, current Corporal Correction Officers and Sergeant Correction Officers requested approval to form their own bargaining unit; and

WHEREAS, the Committee on Personnel has reviewed said employees' request for such and has determined that creation of another bargaining unit would not be in the best interest of county government; now, therefore be it

RESOLVED, That the request from Corporal Correction Officers and Sergeant Correction Officers within in the Fulton County Sheriff's Office Employees' Alliance to form a separate bargaining unit be and hereby is denied; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Personnel Director, Sheriff, Fulton County Sheriff's Office Employees' Alliance, Fulton County Labor Counsel, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency that will further the purport of this Resolution.

Seconded by Supervisor LAURIA and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors Born, Capek and Ottalagano)

Resolution No. 184

Supervisor HOWARD offered the following Resolution and moved its adoption:

RESOLUTION APPOINTING PERSONNEL DIRECTOR

RESOLVED, That Theresa Souza, of Lassellsville, NY be and hereby is appointed as Fulton County Personnel Director for a six (6) year term beginning July 10, 2013 and concluding July 9, 2019; and, be it further

RESOLVED, That the County Treasurer is hereby authorized to pay such Director a salary reflected in the annual Non-Union Salary Structure in equal bi-weekly installments; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Personnel Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor GENDRON and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors Born, Capek and Ottalagano)

Resolution No. 185

Supervisors KEMPER AND CALLERY offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE PUBLIC DEFENDER AND
XEROX CORPORATION FOR LEASE OF A COPIER**

WHEREAS, the Public Defender has requested authority to lease a copier for use in the Public Defender's Office; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Public Safety and Finance, the Chairman of the Board be and hereby is authorized to sign an agreement between the Public Defender and Xerox Corporation for the lease of a copier, for the Public Defender's Office, at a cost of \$40.30 per month, plus a maintenance agreement charge of \$0.0125 per copy, for a lease term of 60 months; said agreement subject to the approval of the County Attorney; and, be it further

RESOLVED, That said cost be a charge against A-055-1170.406 Pub Def-Copier; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Defender, Xerox Corporation, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HANDY and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors Born, Capek and Ottalagano)

Resolution No. 186

Supervisors KEMPER AND CALLERY offered the following Resolution and moved its adoption:

RESOLUTION AMENDING RESOLUTION 154 OF 2013 TO CORRECT BALANCE OF FUNDS IN 2011 HAZARDOUS MATERIALS GRANT

WHEREAS, Resolution 156 of 2012 accepted a 2011 Hazardous Materials Grant from the NYS Division of Homeland Security and Emergency Services and authorized purchases therefrom in the amount of \$125,000.00; and

WHEREAS, Resolution 154 of 2013 authorized purchase of haz-mat supplies with the remaining balance of 2011 Hazardous Materials Grant Funds in the amount of \$2,984.00; and

WHEREAS, clarification was received from the NYS Division of Homeland Security and Emergency Services that the remaining grant balance is actually \$2,612.00; now, therefore be it

RESOLVED, That the 2013 Adopted Budget be and hereby is amended as follows:

Revenue:

Decrease A-083-3306.001 Civil Def-SHSP	\$372.00
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Appropriation:

Decrease A-385-3645.401 Civil Def-SHSP-Contractual	\$372.00
--	----------

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Civil Defense/Fire Coordinator, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BRADT and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors Born, Capek and Ottalagano)

Resolution No. 187

Supervisors KEMPER AND CALLERY offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING PURCHASE OF CERTAIN EQUIPMENT AND SUPPLIES WITH 2011 HOMELAND SECURITY GRANT FUNDS (CIVIL DEFENSE/FIRE COORDINATOR)

WHEREAS, Resolution 382 of 2011 accepted a 2011 Homeland Security Program Funds for the Civil Defense/Fire Coordinator's Office in the amount of \$81,426.00; and

WHEREAS, Resolution 74 of 2012 authorized the purchase of certain equipment and computer software for the Civil Defense/Fire Coordinator's Office with a portion of said grant funds; and

WHEREAS, Resolution 56 of 2013 authorized the Civil Defense Department to purchase SBCA Fit Test Masks and Confined Space Equipment with a portion of said grant funds; and

WHEREAS, the Fire Coordinator/Civil Defense Director proposes to use the balance of said grant to purchase the following:

(2) Wireless remotes for smoke machine	\$ 796.00
(3) Smoke fluids for smoke machine	496.00
(1) Training mannequin	1,995.00
Miscellaneous medical supplies	<u>926.00</u>
	\$4,213.00

now, therefore be it

RESOLVED, That upon the recommendation of the Fire Coordinator/Civil Defense Director and Committees on Public Safety and Finance, the Fire Coordinator/Civil Defense Director is hereby authorized to utilize 2011 Hazardous Material Grant funds for the purposes and purchases herein identified, at a cost not to exceed \$4,213.00; and, be it further

RESOLVED, That the 2013 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

Increase A-083-3306.001 Civil Def-SHSP	\$4,213.00
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Appropriation Account:

Increase A-385-3645.401 Civil Def-SHSP-Contractual	\$1,422.00
Increase A-385-3645.201 Civil Def-SHSP-Equipment	2,791.00

and, be it further

Resolution No. 187 (continued)

RESOLVED, That the Fire Coordinator/Civil Defense Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Fire Coordinator/Civil Defense Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors Born, Capek and Ottalagano)

Resolution No. 188

Supervisor KEMPER offered the following Resolution and moved its adoption:

RESOLUTION URGING GOVERNOR CUOMO AND STATE LEGISLATORS TO EXEMPT FIREARM PERMIT RECORDS FROM FOIL DISCLOSURE

WHEREAS, recent gun control legislation, known as the “NY SAFE Act”, enacted into law by the State Legislature and signed by the Governor in January 2013, created serious implications that restrict the Second Amendment rights of citizens in New York; and

WHEREAS, a provision of the law allows citizens that hold firearms permits the option to have their names and permit information withheld from public disclosure; and

WHEREAS, public disclosure of the personal information of firearm permit holders is an invasion of personal privacy and endangers the safety of citizens in New York State; and

WHEREAS, the existing provision has created confusion and new costs for state agencies, County Clerks and Sheriff’s Departments statewide; and

WHEREAS, a better approach would be to amend the pertinent sections of state law to exempt all personal information of firearm permit holders from Freedom of Information Law disclosure; now, therefore be it

RESOLVED, That the Board of Supervisors hereby urges Governor Cuomo and State Legislators to enact legislation to exempt firearm permit records from FOIL disclosure; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Governor Cuomo, All State Senators, All State Assembly members, President Obama, U.S. Senator Schumer, U.S. Senator Gillibrand, Congressman Bill Owens, All Counties, Fulton Montgomery Regional Chamber of Commerce, NYSAC, NRA, New York State Rifle & Pistol Association, State Sheriff’s Association, Sheriff Lorey, Budget Director/County Auditor, Administrative Officer/Clerk of the Board and to each and every other person, institution or agency who may further the purport of this Resolution.

Seconded by Supervisor HOWARD and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors Born, Capek and Ottalagano)

Resolution No. 189

Supervisor CALLERY offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING PURCHASE OF A LASERJET WIDE FORMAT PRINTER
FOR USE IN THE BOARD OF ELECTIONS**

WHEREAS, the main printer in the Board of Elections is beginning to fail and is in need of replacement; and

WHEREAS, the Elections Commissioners have requested that a new Laserjet Wide Format Printer be purchased to replace said main printer; and

WHEREAS, the Elections Commissioners have advised that there is excess money in the Board of Elections Equipment account because a software purchase planned for 2013 will be less than original estimates; now, therefore be it

RESOLVED, That upon the recommendation of the Board of Elections Commissioners and Committee on Finance, the Board of Elections Commissioners are hereby authorized to purchase a Laserjet Wide Format Printer at a cost not to exceed \$2,249.00 and charge to A-225-1450.200 Bd of Elections-Equipment; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Board of Elections Commissioners, Information Services/Printing Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor GENDRON and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors Born, Capek and Ottalagano)

Resolution No. 190

Supervisor CALLERY offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING REMOVAL OF “POOL” DESIGNATION FROM CLERK TITLES IN THE BOARD OF ELECTIONS

WHEREAS, Resolution 704 of 1989 authorized the creation of new positions for 1990 in various county departments; and

WHEREAS, the (2) two Clerks in the Board of Elections were titled “Clerks (Pool)” to designate their availability to assist in other departments on an as-needed basis; and

WHEREAS, over the subsequent years, the workload in the Board of Elections has increased to the point where floating to other departments is not feasible; and

WHEREAS, the Commissioners of Elections have requested that the designation “Pool” be deleted from the titles of the Clerk positions in the Board of Elections Office; now, therefore be it

RESOLVED, That effective immediately, the Board of Supervisors hereby deletes the designation “Pool” from the titles of the two (2) Clerk positions in the Board of Elections; and, be it further

RESOLVED, That the Board of Elections Commissioners and Personnel Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Board of Elections Commissioner, Personnel Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KINOWSKI and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors Born, Capek and Ottalagano)

Resolution No. 191

Supervisor CALLERY offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING PURCHASE OF A REFURBISHED LARGE FORMAT PRINTER FOR USE IN THE PRINTING DEPARTMENT

WHEREAS, the Information Services/Printing Director is requesting the purchase of a refurbished HP9500mfp large format color laser printer for use in the Printing Department; and

WHEREAS, this purchase will permit the Printing Department to produce large format color printing jobs such as posters, signs and multiple page newsletters; and

WHEREAS, the Information Services/Printing Director is requesting a transfer from the Printing Paper, Offset, Ink, Etc. account to purchase this printer due to a surplus of funds in this account; now, therefore be it

RESOLVED, That upon the recommendation of the Information Services/Printing Director and Committee on Finance, the Information Services/Printing Director is hereby authorized to purchase a refurbished HP9500mfp large format color laser printer for use in the Printing Department at cost not to exceed \$2,000.00; and be it further

RESOLVED, That the Treasurer be and hereby is authorized to make the following transfer:

From: A-255-1670.460 Printing Dept-Paper, Offset, Ink, Etc.

To: A-255-1670.200 Printing Dept-Equipment

Sum: \$2,000.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Information Services/Printing Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BRADT and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors Born, Capek and Ottalagano)

Resolution No. 192

Supervisor CALLERY offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CONTRACT WITH AUCTIONS INTERNATIONAL CORPORATION TO SELL SURPLUS COMPUTER AND COPIER EQUIPMENT

WHEREAS, the Information Services Director has recommended a contract with Auctions International Corporation to sell surplus computer and copier equipment on behalf of the County; and

WHEREAS, there is no cost to the County to utilize Auctions International Corporation because it charges purchasers a “buyer premium” added to the bid price; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized and directed to sign a contract between the County of Fulton and Auctions International Corporation, of East Aurora, NY, to sell surplus computer and copier equipment, with compensation equaling a Buyer’s Premium of 10 percent; and, be it further

RESOLVED, That said contract shall be contingent upon the approval of the County Attorney; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Real Property Tax Services Agency, Auctions International Corporation, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KEMPER and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors Born, Capek and Ottalagano)

Resolution No. 193

Supervisor CALLERY offered the following Resolution and moved its adoption:

RESOLUTION TRANSFERRING CAPITAL FUNDS FOR COMPUTER SERVER PURCHASE IN THE CORRECTIONAL FACILITY (2013 CAPITAL PLAN)

WHEREAS, the 2013 Capital Plan identifies a County Server Upgrade Project; and

WHEREAS, one of the component projects included in the said Server Upgrade Project is replacement of a Black Creek server at the Correctional Facility in the amount of \$5,400.00; and

WHEREAS, the Information Services Director is requesting that the funds for the Black Creek server replacement be transferred to Correctional Facility A-345-3150.200 Jail-Equipment to facilitate a more efficient purchase of the equipment; now, therefore be it

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfer:

From: A-275-1680.201 Information Services-Capital

To: A-345-3150.200 Jail-Equipment

Sum: \$5,400.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Information Services Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors Born, Capek and Ottalagano)

Resolution No. 194

Supervisor CALLERY offered the following Resolution and moved its adoption:

**RESOLUTION AMENDING THE 2013 CAPITAL PLAN TO ESTABLISH A TIME AND
ATTENDANCE SYSTEM PROJECT AS A COMPONENT OF THE SOFTWARE
REPLACEMENT PROJECT AND AUTHORIZING A CONTRACT WITH EMPIRE
SOFTWARE SOLUTIONS TO IMPLEMENT A TIME AND ATTENDANCE
SYSTEM PILOT PROJECT**

WHEREAS, the 2013 Capital Plan identifies a proposed Software Replacement Project; and

WHEREAS, the Information Services Director is requesting that a Time and Attendance System Project be included as a component of the Software Replacement Project; and

WHEREAS, the Information Services Director has proposed to implement the Time and Attendance System via an initial pilot project in the Solid Waste Department estimated to cost \$5,000.00, followed by a full implementation project later in 2013 estimated to cost \$40,000.00; and

WHEREAS, the Information Services Director is requesting a contract with Empire Software Solutions to implement a “Timeforce” Time and Attendance System; and

WHEREAS, funds for said project are resident in A-795-9950.900 Transfer to Capital Plan and it is necessary to transfer funds into an appropriate Information Services Department account; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Finance, the Chairman of the Board be and hereby is authorized to sign a contract between the Information Services Department and Empire Software Solutions of Ravena, NY, for a “Timeforce” Time and Attendance System Pilot Project at a cost not to exceed \$5,000.00, said agreement subject to the approval of the County Attorney; and, be it further

RESOLVED, That the County Treasurer be and hereby is authorized to make the following transfer:

From: A-795-9950.900 Transfer to Capital Plan
To: H-085-1680.100 County Software Project (New)
Sum: \$5,000.00

and, be it further

Resolution No. 194 (continued)

RESOLVED, that the County Treasurer and Information Services Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Information Services Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HOWARD and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors Born, Capek and Ottalagano)

Resolution No. 195

Supervisor CALLERY offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING REMOVAL OF 130 FREMONT STREET (PARCEL #149.10-6-4) FROM THE DEMOLITION TEAM LIST

WHEREAS, Resolution 162 of 2013 referred certain parcels to the Fulton County Demolition Team (Operation Green Scene); and

WHEREAS, parcel number 149.10-6-4 (130 Fremont Street, Gloversville) was one of the properties referred to the Demolition Team List; and

WHEREAS, the owner has redeemed said parcel and as a result this parcel must be removed from the Demolition Team List; now, therefore be it

RESOLVED, That upon the recommendation of the Treasurer and Finance Committee, county-owned tax foreclosure parcel 149.10-6-4 (130 Fremont Street, Gloversville) be and hereby is removed from the County demolition list; and, be it further

RESOLVED, That the County Treasurer and Solid Waste Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director, Administrative Officer/Clerk of the Board and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor PONTICELLO and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors Born, Capek and Ottalagano)

Resolution No. 196

Supervisor CALLERY offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING SALE OF A CERTAIN COUNTY TAX ACQUIRED
PARCEL TO THE TOWN OF CAROGA**

WHEREAS, the Town of Caroga has made a written request to purchase a certain parcel of County-owned property in the Town of Caroga; and

WHEREAS, the Committee on Finance has reviewed and approved said property transfer request, contingent upon the Town of Caroga paying the county for the tax delinquency and filing fees and the County's auctioneer any penalty for early withdrawal from the auction, as per contract; now, therefore be it

RESOLVED, That the County Treasurer be and hereby is authorized and directed to sell County-owned property (Parcel No. 83.6-3-2) in the Town of Caroga, to the Town of Caroga, for a total amount due, as follows:

Delinquent Taxes	\$ 1,441.41
Auctioneer's Buyer Fee	144.15
Filing Fees	<u>308.00</u>
Total Amount Due	\$ 1,898.56

and, be it further

RESOLVED, That the County Treasurer be directed to record the appropriate deed after the execution thereof and after the purchaser pays the proper amount due; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Real Property Tax Services Agency, Town of Caroga, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KINOWSKI and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors Born, Capek and Ottalagano)

Resolution No. 197

Supervisor CALLERY offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING DISPOSAL OF CERTAIN SURPLUS EQUIPMENT

WHEREAS, the Purchasing Agent recommends disposal of broken equipment in certain departments; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized to dispose of the following County surplus equipment, in accordance with the Fulton County Purchasing and Audit Guidelines:

Sheriff:

Wood with glass book shelf (0002248) (Purchased 1997)

Wood with glass book shelf (0002249) (Purchased 1997)

Social Services:

Canon Typewriter AP9417 (0003344) (Purchased 2004)

Five Phones (No BC) (Purchased 2005)

One Cordless Phone (No BC) (Purchased 2006)

Electric Heater (No BC) (Purchased 2006)

Under the Desk Keyboard Tray (No BC) (Purchased 2008)

Chair with Arms (No BC) (Purchased 2002)

Bulletin Board (No BC) (Purchased 2006)

Solid Waste:

Pressurized Grease Gun (0007425) (Purchased 9/19/05)

and, be it further

RESOLVED, That the Superintendent of Highways and Facilities, Solid Waste Director and Purchasing Agent be and hereby are directed to arrange for the disposal of the listed surplus as scrap and/or refuse, to be coordinated with the Solid Waste Department's current bulky metals contract, as necessary; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Sheriff, Social Services Commissioner, Solid Waste Director and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors Born, Capek and Ottalagano)

Resolution No. 198

Supervisor CALLERY offered the following Resolution and moved its adoption:

**RESOLUTION SETTING DATE OF PUBLIC HEARING ON THE PROPOSED
2013-2014 FMCC BUDGET**

RESOLVED, That the Board of Supervisors for the County of Fulton will meet at the Board of Supervisors' Chambers in the County Building, Johnstown, New York, on Monday, July 8, 2013, at 1:30 p.m. for the purpose of holding a public hearing on the tentative budget for Fulton-Montgomery Community College as related to the financial share and obligation of Fulton County for the fiscal year beginning September 1, 2013, pursuant to Chapter 631 of the Laws of 1965; and, be it further

RESOLVED, That the Administrative Officer/Clerk of the Board of Supervisors be and hereby is directed to give notice of said public hearing on such tentative budget pursuant to and in accordance with Section 359 of the County Law, and that said notice shall be published once in the official newspaper of this County at least five days prior to date of said public hearing; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Montgomery County Board of Supervisors, Fulton-Montgomery Community College, Budget Director/ County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor DIGIACOMO and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors Born, Capek and Ottalagano)

Resolution No. 199

Supervisor CALLERY offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CERTAIN TRANSFERS

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfers:

From: A-385-3645.201 Civil Def-SHSP-Equip
To: A-385-3645.401 Civil Def-SHSP-Contractual
Sum: \$399.00

From: A-385-3645.202 Civil Def-CASE-Equip
To: A-385-3645.402 Civil Def-CASE-Contractual
Sum: \$656.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Civil Defense Director/Fire Coordinator, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BRADT and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors Born, Capek and Ottalagano)

LATE COMMUNICATIONS

1. Communication from Charles Morrison, Great Sacandaga Lake Advisory Council member, received 4 June 2013, to Fulton County Board of Supervisors
Subj: Resignation from the Great Sacandaga Lake Advisory Council.

LATE REPORTS

- A. Region 5 Fish and Wildlife Management Board Agenda for May 9, 2013 MVEDD Audit for Fiscal year 2012

Resolution No. 200

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION REVISING INSURANCE LIMITS REQUIRED FOR A BOY SCOUTS OF AMERICA FALL CAMPOREE EVENT AT THE FULTON COUNTY AIRPORT

WHEREAS, at its May 13, 2013 meeting, the Board of Supervisors passed a Resolution approving a Boy Scouts of America Fall Camporee Event at the Fulton County Airport; contingent upon the Boy Scouts of America securing appropriate insurance coverage for the event in accordance with the County's established Facilities Use Policy; and

WHEREAS, the maximum amount of insurance that the Boy Scouts of America are able to provide is \$1 million each occurrence/\$5 million general aggregate; and

WHEREAS, the County Attorney has determined that said proposed Camporee is a "Level 4 Event", requiring coverage limits of \$1 million per occurrence/\$2 million general aggregate, plus Excess Insurance coverage limits of \$5 million each occurrence and aggregate under the County's Facilities Use Policy; now, therefore be it

RESOLVED, That upon the recommendation of the County Attorney, the revised insurance limit of \$1 million per occurrence and \$5 million general aggregate for a Fall Camporee Event at the Fulton County Airport be and hereby are accepted as a prerequisite for hosting the Camporee; and, be it further

RESOLVED, That the County Attorney and Planning Director are directed to do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Planning Director, Boy Scouts of America, Administrative Officer/Clerk of the Board and to each and every other person, institution or agency which will further the purport of this Resolution.

Seconded by Supervisor BRADT and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors Born, Capek and Ottalagano)

Resolution No. 201

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

RESOLUTION AWARDING BID FOR THE CHILDREN WITH HANDICAPPING CONDITIONS TRANSPORTATION PROGRAM (2013-2014)

WHEREAS, Resolution 108 of 2013 authorized advertisement for bids for the Children with Handicapping Conditions Transportation Program and three (3) bids were received; now, therefore be it

RESOLVED, That the bids, as hereinafter specified, for the transportation of children with handicapping conditions to various 2013-2014 school programs be and hereby are accepted, as reviewed and recommended by the Public Health Director and Purchasing Agent; they being the lowest responsible bidders in accordance with Specification No. 2013-40-02, dated May 15, 2013:

<u>Bidder</u>	<u>Program Site/Route</u>	<u>Bid Amount</u> <u>Est. Daily Site Rte. Cost</u>
North County Transport	Route #1 Meco Elementary School (Gloversville)	139.99

and, be it further

RESOLVED, That said cost be a charge against A-295-2960.418 Educ of PHC-(3-5) Transportation; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, North County Transport, Brown Transportation, Blue Line Commuter, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor PONTICELLO and adopted by the following vote:

TOTAL: Ayes: 17 Nays: 0 Absent: 3 (Supervisors Born, Capek and Ottalagano)

Resolution No. 202

Supervisor CALLERY offered the following Resolution and moved its adoption:

RESOLUTION ADOPTING LOCAL LAW 2 OF 2013 ENTITLED, "A LOCAL LAW TO AUTHORIZE OVERRIDING THE STATE-MANDATED TAX LEVY LIMIT FOR THE 2014 FULTON COUNTY BUDGET"

WHEREAS, proposed Local Law 2 of 2013 entitled, "A LOCAL LAW TO AUTHORIZE OVERRIDING THE STATE-MANDATED TAX LEVY LIMIT FOR THE 2014 FULTON COUNTY BUDGET" has laid upon the desks of the Board of Supervisors for the required period; and

WHEREAS, a public hearing was held on June 10, 2013, after due posting thereof and everyone who wanted to speak was heard; now, therefore be it

RESOLVED, That Local Law 2, hereinabove referenced, be and hereby is approved; and, be it further

RESOLVED, That the Clerk of the Board is directed to number said local law for appropriate recording and filing purposes; and, be it further

RESOLVED, That the Chairman of the Board of Supervisors and County Attorney be authorized and empowered to do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, NYS Secretary of State, Fulton County Code Book, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency which will further the purport of this Resolution.

Seconded by Supervisor BRADT and adopted by the following vote:

TOTAL: Ayes: 403 (15) Nays: 76 (2) (Supervisors DiGiacomo and Handy) Absent: 72 (3) (Supervisors Born, Capek and Ottalagano)

COUNTY OF FULTON
LOCAL LAW 2 OF 2013 ENTITLED,
“LOCAL LAW TO AUTHORIZE OVERRIDING THE STATE-MANDATED TAX
LEVY LIMIT FOR THE 2014 FULTON COUNTY BUDGET”

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FULTON,
AS FOLLOWS:

Purpose:

The intent of this local law is to comply with the requirements of General Municipal Law Section 3-c (5) prior to adopting the 2014 Fulton County Budget. The slow recovery of the national, state and local economies from the most recent recession and the continued financial obligations imposed on the County by the State of New York in the form of mandated government activities not fully funded by the State are conditions beyond the control of County government. Notwithstanding these circumstances the County will need to provide services in 2014, in addition to those mandated by the State, which are important to its citizens. After sustained effort to minimize the amount of the tax levy, and to project the tax levy limit for Fulton County for 2014, a responsible budget for 2014 may require a tax levy that will be greater than the tax levy limit calculated pursuant to applicable State Law.

1. **Budget Authorization:** The Board of Supervisors hereby overrides the tax levy limit for Fulton County for 2014 and authorizes Fulton County, after completing all required procedures for the adoption of a budget, to adopt a budget for 2014 that requires a tax levy that is greater than the tax levy limit calculated for 2014 pursuant to Section 3-c of the General Municipal Law.